

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:05CR3035
v.)	
)	
JOSE ENRIQUE AYALA CHAVEZ,)	
)	MEMORANDUM AND ORDER
Defendant.)	
_____)	

Defendant appeared before me this date concerning his efforts to obtain counsel. Defendant requested the appointment of counsel and such request was granted.

IT THEREFORE HEREBY IS ORDERED:

1. The Federal Public Defender for the District of Nebraska shall provide the court with a draft appointment order (CJA Form 20) for substitute counsel bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district.

2. The trial of this matter is removed from the calendar on June 6, 2005. Trial will be rescheduled after new counsel has entered an appearance and pending motions have been resolved.

3. The government shall provide copies of all previously produced discovery material to new defense counsel.

4. Newly appointed counsel is given until thirty days in which to file additional motions.

5. Because defendant is unrepresented and his new counsel will require time to become familiar with the case to adequately prepare for trial, it would be a miscarriage of justice to force the defendant to trial at this time. The interests of the defendant in being represented by prepared counsel outweighs the

interests of the defendant and the public in a speedy trial. Therefore, the time between the date of his prior lawyer's withdrawal, May 16, 2005 and July 1, 2005, shall be excluded from the calculation of elapsed days under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.

DATED this 1st day of June, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge